423 /966 cont./
635 children while his relatives live far away.

Finally, there is a completely different kind of occasion
225 when all boundaries are ignored, namely, when a whale is stranded.
423 A certain priority is conceded to those in whose home district this
•425 mighty animal is deposited on the shore, for sometimes they have
635 worked hard before the rich booty is spread out before them (p. 224). Nevertheless, their priority consists chiefly of the privilege to determine the so-called distributors of the fat and meat. It is not left to the discretion of the individual to go up to the animal and cut out a piece here or there for himself. Rather, it is the task of a few men to cut up the big animal properly and to give something to each one present if he wishes it (p. 310). This is the only way to prevent useless waste.

Anyone within the widest radius who learns of the stranding of a whale may head toward the spot unmolested and remain until all the suitable parts are consumed or distributed. The people native to the region arrive ahead of the visitors from a distance; nothing prevents them from taking the prized whalebone and from having the tastiest pieces cut out for themselves. Hence the people within the bounded area where the mighty animal was washed ashore do enjoy certain advantages. It is easy to see why other tribal members are also allowed to share this rich gift of Mother Nature, according to common law. A small number of people would be unable to consume the considerable amount of fat and meat quickly enough in the short time before it spoils. Therefore, nothing would be more natural than to apply, without restraint, the common principle of sharing with others, especially when there is abundance to be had without effort. Alerted by dense flocks of sea birds, the Indians come pouring in to the stranded whale, even from some distance, and they all enjoy the excellent taste of the blubber. No one would dare rebuff a visiting stranger nor hinder him; if one were to do so, he would be loudly decried as a selfish human being.

423 As for material goods that are common property, our Yamana have only the two Great Huts built for the čiéxaus and the kina, the men's ceremony. Both serve in the fulfillment of a task for which the group as such is obligated, and the adult participants busy themselves at it quite as a matter of course. From the start

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422 this method of procedure by our Yamana on two occasions. Once he bartered tobacco with a man for a dog, but since the dog belonged to the man's wife, she forced Fitz-Roy to give the animal back to her. Snow (b):264 also confirms from his own experience: "I believe they have a sort of property right amongst them, and I have seen one of the oldest women exercising authority over the rest of her people. Wishing to buy a canoe, it was refused me on the ground that it belonged to her, and she would not part with it" /cited in English/.

Every Yamana is completely free to take good care of his property or to neglect it completely. No one even prevents him from wantonly destroying his things. If he lacks something he must personally look around for a replacement. Objects that are [425] found may not be appropriated by the finder, and if he nevertheless keeps them, he risks being labeled a thief. Whatever a person has owned in life /970/ remains his after his death. That is [768] why the belongings of a deceased person are burned and destroyed, inasmuch as no one could legally take them as his property. One does not even encroach upon a dead owner's right to his personal [428] property. The Yamana are unacquainted with the actual inheritance of anything whatever.

β. Family Property

422 593 Since every person owns his individual property, he also brings it with him into his marriage, without, however, giving up his exclusive right to it. He uses each article freely and without hindrance and replaces for himself anything and everything that has become unserviceable or is lost. As we have just said, one of the partners in marriage would not dare, at his own discretion, to dispose of an object belonging to the other partner.

423 593 When a marriage takes place, a new configuration of life is always begun, for the family forms a very compact economic unit. The word "family" is used here in its narrower sense, namely, as the social unit of father, mother, and unmarried children. The new configuration of life also demands its own right to certain implements common to the union as such. The solidarity of family

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2. Taking Possession

425 The most common and the simplest way of making oneself the owner of an object is to take it and confiscate it. The assumption is that, as ownerless property, it really does not belong to anyone. This includes, first of all, the things that are indispensable for life, such as food, wood for the fire, and sticks for building the hut, as well as such things as bones and whalebone for tools, pieces of bark for the canoe, and rushes for basket-weaving, and finally snail shells and tendons for ornaments, mineral pigments for body painting, and pieces of leather for various uses. Obviously all these things come from the kingdom of nature over which Watauinéiwa actually has the primary right of disposal. The Yamana have a more or less distinctly pronounced conviction that everything around them has been granted by Watauinéiwa so that they may have the usufruct of it. They make use of this general dispensation, for in no other way would they come into possession of the things they need. They do not each time expressly remember this lawful condition, but now and then the commandment not to kill more animals than are directly required for the household flairs up in their memory.

Merely by his conduct a person shows that he intends to make himself the owner of an animal or a thing. Anyone who goes into the forest and gathers firewood, anyone gathering mussels and snails along the beach, anyone who kills a larger animal with his weapons or acquires something in a similar manner thereafter regards himself as sole owner of what he has acquired. At the same time his right is recognized by other people. If, after a certain [673] object has found its master, anyone should disturb the latter in his right of ownership, that person is unequivocally regarded as a thief. Thus it is sufficient for anyone simply to lay his hands on ownerless goods, for in this way he identifies himself as their owner. He remains such as long as he keeps these goods or until he has consumed them. Even married persons take this into account in their behavior 425 543 toward each other, as /975/ Bridges (I):21 has already assured us: "What the wife caught or obtained was her own, the husband only used of it what his wife gave him, and she did not ask his permission

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when she would make presents to her friends" /cited in English/ (387).

387. Hyades (q):243 writes in a similar vein: "Each properly possesses what he has produced by his labor, what he has harvested in fishing or hunting, what he has found washed up on the beach; even small children themselves have full ownership of what has been given them" /translated from French/.

Sometimes the new owner does not immediately use what has hitherto been ownerless property. In a given case he will make known his right to it by special signs, if it is not obvious from the surrounding circumstances. For example, if someone comes across large pieces of a recently killed sea lion stored in tree branches, he immediately concludes that the successful hunter did not want to or was unable to take along the whole booty and left part of it behind which he will pick up soon. It is not permissible for another person to take possession of those pieces of meat. We know that the Yamana collect branches and trunks for firewood, place them upright against each other in the woods, and let them dry out for a few days. A person passing this bundle of wood immediately recognizes the work performed by another and does not take any of it. If someone finds a sling fastened in the grass (Fig. 59) in which possibly a few wild geese are caught, it would never occur to him to appropriate either of them, and he leaves undisturbed the claim of the one who laid the snare. The surrounding circumstances alone, therefore, make it clear whether goods are ownerless or whether someone has already made himself master of them. The Yamana do not use special property marks since these are for the most part superfluous or would be difficult to apply.

In general the Yamana derive the legal title for the assumption of ownership from the work and effort involved. The ensuing right of possession is recompense for the previous work. Therefore, anyone who of his own accord and with his own labor has accomplished this work enjoys possession of the goods earned. Naturally, in each case only the amount affected by individual effort passes from the ownerless state into that of personal possession.

/975 cont./

425 423 We know that the large territory of the Yamana is divided into five zones with boundaries (p. 199 /untranslated/) which also apply to the right of free food-seeking. Within one's home territory he has free access to everything that nature supplies, but if he goes into neighboring territory and there takes possession of something for his own use, he must be able to justify it. Obvious scarcity of the necessities of life in his more limited home territory or the stranding of a whale affords such justification. A friendly visit is also sufficient reason, for sometimes someone marries into another dialect group from which his nearest kin occasionally visit him. The stranger would not be able to stay too long in the neighboring territory without /976/ arousing displeasure among the local residents and even evoking grave hostility (388). Hence, there, too,

388. I believe that this is the meaning of the following words of Bridges in Hyades (j):180: "The natives dare not go to places where they do not have friends or where they are not known, for they would probably be killed" /translated from French/.

everyone makes himself the owner of whatever he directly confiscates as ownerless property. The members of each dialect group, however, regard themselves as having priority over all natural stores and animals in their local area.

425 When the rightful owner of an object hands it over to another person, he relinquishes his right of ownership and it passes to the other person. The free decision of the owner himself is required in [428] such cases. The Yamana are unacquainted with an actual hereditary right in the sense that certain descendants can legally take over the possessions of an owner after his death, simply because of their [768] kinship with him. Actually, when a person dies, everything he has owned is purposely destroyed by fire because no one has a right to it as such. Anyone who has received something from another person or is keeping it for him soon returns it (389), simply because the

389. Snow (a):I, 345 confirms this from his own observations: "Several times I procured

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•425 wild fowl for them, and in so doing I always intimated that it was for the women and children; when, no matter to which of the men I gave the bird, it was invariably taken to those for whom it was intended" /cited in English/.

other person is the owner and is expecting it.

3. Procurement and Production

Often one must equate taking possession of goods as just described and so-called procurement, for in this form it is a matter of acquisition by bringing in something. It is not a matter of barter or gifts, but of seizure of ownerless goods which someone drags to his hut or his canoe. A particular effort is connected with their procurement, for example, in the case of the person who peels off pieces of bark from a beech trunk and trims them for canoe construction, or of the person who on a distant beach picks out the rib bones of whales, which he needs for his harpoon points, and finally of a person who undertakes a distant journey in order to dig out from a rock wall a piece of pyrite for striking fire. As we have pointed out, such procurement usually involves strenuous treks and long canoe trips.

Detailed argument is not needed to prove that all raw materials when purposefully worked become the property of the one who has produced the article. The primary and exclusive purpose of the worker is to produce an implement for his own use that will make his work easier or insure greater success. This /977/ has produced and still produces the manifold articles and the various weapons found in the possession of the Yamana. Whatever an individual has produced in this way for his personal needs belongs to him quite exclusively. From the start, in the fashioning of the raw materials, he proceeds according to his own wishes and the demands of his habits. Anyone who can more easily and surely handle a thick harpoon shaft or a longer sling or a markedly curved bow-staff will naturally fashion this characteristic form out of the raw material when he is making a new piece. A woman who likes to see herself in a

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425 particular type of necklace or other ornament will copy it again and again. A child time after time procures for himself the outstanding toy that is his favorite. Everyone puts his particular wishes into the fashioning of an object and it thereby becomes his property.

Many statements could be quoted which come from every Fuegian's conviction that by the mere production of an article he makes himself sole owner of it and that special confirmation of his right of disposal is not necessary. Other people keep their hands off it; otherwise the owner would defend his property by merely pointing out that he made it. Any object that has been fashioned has its particular owner, either the husband or the wife or the child belonging to the same family. No one would take liberties with the articles of another without making himself guilty of theft. These personal belongings should be kept distinct from those few things which, in the service of all the members of the family, are available to everyone equally as "family goods."

Obviously the lawful title to every article made arises from the work involved. The individual purchases with his own physical strength and skill the object that he makes out of the raw material. Everyone says: "I made this object, therefore it is mine!" Anyone who wishes to have an object that he sees in the hands of another and admires acquires it for himself most easily by making it. The above rules of common law are so very much taken for granted by the Yamana that in everyday life they are hardly ever mentioned by anyone, although old and young invariably conform to them in all their actions.

4. Barter, Loans, Gifts

421 The different treatment of possessions and the use to which they are put derive from the right of ownership. For example, the owner can let his things go to ruin or purposely destroy them. No one will stop him, although his behavior may be characterized as unwise and senseless. The Fuegian does not possess an abundance of goods, and everyone must /878/ sooner or later obtain or make for himself, sometimes with great toil, whatever is indispensable to him and what he has destroyed without reason.